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Chair

Mr. John Aldag

Standing Committee on Environment and Sustainable Development

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● (1530)

[*English*]

The Chair (Mr. John Aldag (Cloverdale—Langley City, Lib.)): I call the meeting to order.

Good afternoon, everyone. I'm pleased to have our commissioner of the environment and sustainable development, Julie Gelfand, and her team with us. We had four reports tabled in the House of Commons on Tuesday morning, and the commissioner is going to take about eight minutes to start to walk us through the four reports that were before the House. We'll then hear from departmental officials.

As I understand it, we're going to have the commissioner of the environment take five minutes on report 1 and then we'll move to the Department of the Environment for five minutes on report 3. Next, we'll have the Department of Fisheries and Oceans present five minutes on report 2. Finally, the Department of Health will have five minutes on report 1. That gives us about half an hour of presentations, with opening statements by the commissioner and departments. At that point, we'll then move into our rounds of questions. We're going to have about 90 minutes available. I want to save about 10 minutes at the end for some in camera committee business, so I will be watching the clock.

Essentially, we'll go through the regular rotation and get into discussions. The questions can be geared to the commissioner and her team or to any of the departmental officials. That's how the rest of the day will unfold.

One other comment I made was that a number of committee members were able to attend the confidential briefing on Tuesday morning, and there were some very good questions raised. If members feel that they had their questions addressed at that briefing, this is now a public session, so if you want to get any of those questions and answers on record, don't feel bad about asking the commissioner to repeat what you asked on Tuesday, because she's assured me that she's willing to repeat what she said.

Ms. Julie Gelfand (Commissioner, Office of the Commissioner of the Environment and Sustainable Development): I'll do it word for word.

The Chair: Exactly. I just throw that out as a reminder to committee members not to hesitate to reiterate or restate the questions we had on Tuesday. With that, go ahead, Commissioner.

Ms. Julie Gelfand: Thank you very much, Mr. Chair. I'm really happy to be here.

[*Translation*]

I am here to discuss our fall 2018 reports, which were tabled in the House of Commons last Tuesday, along with our annual report on environmental petitions.

I am joined by Kimberley Leach and James McKenzie, who are the principals responsible for the whales and toxic substances units respectively.

Our first audit dealt with the Canadian Environmental Protection Act, which sets out the federal government's responsibility to protect Canadians from the risks related to toxic substances such as mercury, lead and PCBs. This audit is the fifth one we've done on toxic substances since 1999, and we continue to find troubling deficiencies.

[*English*]

The government has identified 138 toxic substances, such as mercury, lead and PCBs, that need to be controlled either through regulations, pollution prevention plans, codes of practice or some other mechanism. We found that Health Canada and Environment and Climate Change Canada had not assessed whether their action plans were reaching their overall objectives. This means that the government does not know how well it is meeting its goal of protecting Canadians from the risks of toxic substances.

The government has developed 39 regulations to control these risks. Environment and Climate Change Canada conducted some 10,000 inspections over three years, but many regulations covering substances such as flame retardants received few or no inspections.

● (1535)

[*Translation*]

About one-fifth of inspections focused on a single substance used by dry cleaners, without any evidence to show that it presented a higher risk to human health or the environment.

As far as public information is concerned, both Health Canada and Environment and Climate Change Canada play a role in informing Canadians about risks from toxic substances. We found that most of the information available on their websites was often hard to find and very technical. Content was not presented in a way that made it easy for the average person to find out about the risks of toxic substances. These deficiencies make it difficult for Canadians to get the information they need to make informed decisions.

[*English*]

Let's turn now to our second audit, which looked at what the government has done to protect marine mammals from the threats posed by vessels and commercial fishing.

In Canada, there are over 40 species of marine mammals, such as whales, dolphins, seals, and 14 populations are on the endangered species list.

We found that Fisheries and Oceans Canada, in collaboration with Parks Canada, Transport Canada and Environment and Climate Change Canada, was very slow to take action to reduce threats to marine mammals. Departments have several tools at their disposal to protect these animals. For example, they can establish protected areas, they can set speed limits for vessels, they can close or restrict fisheries, and they can set distances for whale-watching boats.

We found that most of these tools were not used until the situation became severe. Twelve endangered North Atlantic right whales, representing 3% of the world's remaining population, were found dead in the Gulf of St. Lawrence in 2017. It was then that the departments took action to protect a few whale species by, for example, closing certain fisheries and introducing speed limits for ships in some areas.

[*Translation*]

We also found that Fisheries and Oceans Canada lacked the resources and direction to effectively respond to distressed marine mammals. There are around 900 incidents of distressed marine mammals every year, and very few people are trained to help.

The measures recently put in place have been reactive, limited and late. The clock could well be running out for certain species, such as the West Coast's Southern Resident Killer Whale which has been listed as an endangered species for 15 years, and whose population is now down to 74 individuals. There needs to be continued action from the departments to manage threats for all marine mammals.

I want to draw your attention now to the results of our third audit. It examined whether federal organizations were taking the required steps to ensure that environmental considerations were included in the information provided to government decision-makers.

This is an area we've been auditing for the last five years. In 2012, our office started a multi-year plan to audit all 26 government organizations that are required to assess the positive or negative environmental impacts of their proposed policies, plans and programs. In 2015, we found that the organizations we audited assessed less than half of their proposals, and results were even worse in 2016 and 2017.

This year, given past poor results, we decided to re-examine all 26 organizations. We were happy to find that they had carried out strategic environmental assessments for more than 90% of the policy, plan, and program proposals they submitted to cabinet.

● (1540)

[*English*]

I'm going to repeat that in English, because it's not often that we have great news. We were really happy to find out that more than 90% of proposals that went to cabinet had been looked at in terms of their environmental impacts, either positive or negative, before the proposal got to cabinet. This is a marked improvement over the past.

[*Translation*]

Let me close with environmental petitions. These petitions are an important mechanism that Parliament put in place to give Canadians a way of getting answers from federal ministers to their questions about environment and sustainable development.

Last year, we received 10 petitions from individuals and organizations.

[*English*]

We also surveyed petitioners about their experience. The vast majority of respondents were not satisfied with the answers they received from departments; however, they stated they were likely to use the petitions process again.

To recap, the government still has work to do on toxic substances and marine mammals, but there is a bit of a bright light when it comes to integrating environmental considerations in government decision-making. We had great co-operation from all the departments on all of our audits. We highly respect the bureaucrats who are working in these departments. We're here to try to help make things better.

That concludes my opening remarks. We are happy to answer any questions you may have.

The Chair: Thank you, Commissioner. It's always a pleasure to have you at our committee, and your timing was perfect. You came in right at eight minutes.

We'll turn it over now to the Department of the Environment representatives. I do want to say that, like you, I know the committee highly respects the work of the departmental officials, and we really do value the work that you do and your appearance before us, so thanks for being here today.

I'll ask each of the lead spokespersons to introduce the team that they have with them for their respective departments and then go into the presentation.

For the Department of the Environment, is Ms. Goodier going to be starting?

Wait one second. Go ahead, Mr. Godin.

[*Translation*]

Mr. Joël Godin (Portneuf—Jacques-Cartier, CPC): Mr. Chair, we have the documents now. Is it possible to know who the next presenters will be? I have two documents and I want to be able to follow along.

These two documents include the opening remarks, correct?

[*English*]

The Chair: Environment has two presentations, five minutes on report 1 and five minutes on report 3. I'll let the departmental official determine who's speaking to which, but it will be report 1 that we're looking at first.

[*Translation*]

Mr. Joël Godin: Okay, thank you.

[*English*]

The Chair: Environment Canada, go ahead, please.

[*Translation*]

Ms. Gwen Goodier (Executive Director, Chemicals Management Division, Department of the Environment): Hello.

My name is Gwen Goodier. I am the Executive Director of the Chemicals Management Division at Environment and Climate Change Canada.

[*English*]

I have with me Heather McCready, who is a director general with our enforcement branch in the same department, as well as my colleague David Morin, who is a director general with Health Canada. We are going to be speaking about the first audit on toxic substances.

I'm going to make some opening remarks and then turn to Heather, who will speak from an enforcement point of view.

Let me begin by saying thank you for the opportunity to appear before the committee today to speak about the toxic substances audit. Environment and Climate Change Canada welcomes the report of the commissioner for the environment and sustainable development, and we will take action to address the recommendations contained in the report.

Toxic substances are identified and managed under the Government of Canada's chemicals management plan, a program jointly managed by Environment and Climate Change Canada and Health Canada. We're actually very proud of what we've accomplished to date under the CMP. Since 2006 we have assessed over 3,500 substances, and that represents about 80% of the 4,300 substances that we identified as priorities for assessment. We're on track to completing that work by 2020.

That work, those assessments, have resulted in our finding over 450 chemicals that are harmful to human health, the environment or both. We've put in place about 90 different risk management instruments to manage the the risks posed by these substances. When I say "risk management instruments", there are a variety of instruments we use that include regulations, pollution prevention plans, environmental performance agreements with industry, etc.

We also take action to ensure that new substances entering the market are safe for Canadians. Since the beginning of the program, we have received close to 6,000 notifications for new substances. These notifications have been assessed, and they resulted in additional risk management actions where needed.

While we believe that the chemicals management plan is fundamentally a strong program, we agree that there are improvements that should be made in the three areas identified in the audit, which are performance measurement, enforcement, and communications.

In the area of performance measurement, my department will work with Health Canada to develop a long-term approach to systematically assessing the effectiveness of actions to control toxic substances. In the interim, to inform that approach, Environment and Climate Change Canada and Health Canada will complete the assessments that we currently have under way to determine whether we're meeting objectives to protect human health and the environment for the four substances for which we have pilots under way. Those are mercury, BPA, lead, and PBDEs, which are a flame retardant.

The audit report also focused on how we enforce regulations that manage toxic substances and how we communicate to Canadians about the risks posed by these substances.

I'm going to turn to my colleague Heather McCready, from our enforcement branch, to speak about enforcement. In a few minutes, David Morin from Health Canada will provide comments on the audit from a Health Canada perspective.

Thank you.

● (1545)

[*Translation*]

Ms. Heather McCready (Director General, Environmental Enforcement, Department of the Environment): Hello.

Thank you for having me today.

As Ms. Goodier said, I am the Director General of the Environmental Enforcement division at Environment and Climate Change Canada.

[*English*]

I would like to use the rest of our allotted time to provide a few overarching comments on behalf of ECCC's enforcement branch.

We have approximately 200 officers designated to enforcing the Canadian Environmental Protection Act, which we call CEPA, and its almost 60 regulations across the country. These same officers also enforce the pollution prevention provisions of the Fisheries Act.

Our organization takes great pride in the work of these officers. They conduct thousands of inspections and hundreds of investigations every year. More than ever, their work is leading to meaningful penalties to deter those who would choose to violate Canada's federal environmental laws and regulations.

Over the past five years, for example, fine amounts for CEPA offences have increased from a few hundred thousand dollars per year in 2012 to over $3 million in the 2016-17 fiscal year. Our total fines from prosecutions last year, including fines for Fisheries Act offences, were more than $10 million. The majority of these fines are directed to the environmental damages fund, which finances projects that improve environmental quality.

We are also improving our capacity to identify where non-compliance presents the greatest risk to the environment and human health. To this end, in 2017 our directorate launched a comprehensive risk assessment process, with the objective of completing a comparative analysis of all CEPA regulations by the spring of 2020. We believe this work will address the recommendations outlined in the current audit as well as previous audits on the same subject. This is part of a continued effort to better target the highest-risk non-compliance with ECCC laws and regulations to achieve the highest levels of environmental protection.

We would like to thank the commissioner for her continued work in this area and her continued attention, and we really appreciate the comments.

We would be pleased to answer any questions you have.

The Chair: Again, that was perfect timing. Thank you so much.

Now we will go to the Department of Health and Mr. Morin for five minutes on reports as well.

Mr. David Morin (Director General, Safe Environments Directorate, Healthy Environments and Consumer Safety Branch, Department of Health): Thank you very much.

My name is David Morin. I'm the director general of the safe environments directorate at Health Canada.

[*Translation*]

Thank you for giving me the opportunity to be here today to talk about the report on toxic substances and enforcing the Canadian Environmental Protection Act.

I also want to thank the commissioner for her report. Health Canada accepts the recommendations and is working on following through on those recommendations.

I would like to share a few brief remarks.

As you know, the audit is on federal measures taken with regard to the Canadian Environmental Protection Act, or CEPA, in order to control toxic substances and to communicate the related risks. CEPA is an important legislative document that Health Canada invokes in order to protect human health through the chemicals management plan.

[*English*]

The CMP is highly regarded as a world-leading approach to chemicals management, and I'm proud to say that other countries often look to Canada as a model for improving their own approaches.

With our partners at Environment and Climate Change Canada, we use the latest scientific information to identify substances that may be harmful to human health and the environment, and we work with Environment and Climate Change Canada to manage these risks through various mechanisms, such as new regulations, codes of practice and information to Canadians.

To date we have assessed over 3,500 substances under the CMP, and as my colleague Gwen mentioned, over 450 of these individual substances have been found to be toxic to human health and/or the environment, resulting in over 90 measures put in place to address these risks since the implementation of the CMP, or chemicals management plan, in 2006.

● (1550)

[*Translation*]

We use various methods to assess the effectiveness of these risk management actions. One important tool we use is biomonitoring—which involves looking at blood and urine samples from Canadians through the Canadian Health Measures Survey. This survey is currently in its 5th cycle. It has historically included approximately 6,000 Canadians per cycle, with about 100 different chemicals being tested.

As an example of biomonitoring, I can tell you that the level of lead in the blood of Canadians has declined by over 70% since the late 1970s, due to federal measures to restrict lead in gasoline and paint. The level of mercury in blood has also declined as a result of reducing emissions of mercury domestically by 90%.

[*English*]

We are confident our efforts are making a difference. However, we also agree with the commissioner that we need to be more systematic in our approach to demonstrating how the CMP is working to protect the health of Canadians. This work is not always scientifically straightforward. For example, it took about 20 years to see a decrease in the traces of lead in humans after the government imposed restrictions on the use of lead in gasoline.

The commissioner's report correctly notes that we are in the process of finishing three comprehensive performance evaluations—for bisphenol A, mercury and lead—to formally examine whether our established objectives for risk reduction have been met. We are aiming to publish our first evaluation on BPA before the end of the year, with the other two to follow. This work will allow us to better communicate to parliamentarians and all Canadians on how the CMP is working to protect the health of Canadians every day.

In terms of how we communicate to the public, we know that Canadians are concerned about toxic substances and want information that is easy to find and understand. To that end, we post information on our website and on social media, we distribute a number of guides on specific topics, and we hold workshops for various audiences. We also engage trusted key stakeholders who can help us share information through their networks.

We recently conducted public opinion research to better understand what type of information Canadians are looking for and identify areas for improvement. Armed with this information, we have already developed a targeted communications strategy that will address the commissioner's recommendation. The strategy will be launched in the coming months. It includes a suite of new activities and messaging aimed at helping Canadians more easily find relevant and useful information about toxic substances so that they can make informed decisions to help protect their family. This messaging will include new plain-language advice to Canadians on chemicals and pollutants of concern in and around their home and what they need to know when buying, storing or disposing of products.

In conclusion, we very much welcome the commissioner's report and have an action plan in place to respond to all of its recommendations.

I would also like to take this opportunity to acknowledge the important work of this committee in their review of the Canadian Environmental Protection Act. The findings from both this audit and the work of this committee will help inform the continuous improvement of chemicals management in Canada.

Thank you.

● (1555)

The Chair: Thank you. It's nice to hear an acknowledgement of the work our committee did on CEPA. We spent almost a year on it as a committee and we're very proud of the report we did, so thank you for those comments.

We'll now move to our Department of Fisheries and Oceans representatives for their comments on report 2.

Mr. Adam Burns (Director General, Fisheries Resources Management, Department of Fisheries and Oceans): Thank you.

I'm here with Philippe Morel, who is the assistant deputy minister of aquatic ecosystems. My name is Adam Burns. I'm the director general of fisheries resources management at DFO. I'm here representing Sylvie Lapointe, who is not available. She's the assistant deputy minister of fisheries and harbour management.

First and foremost, I'd like to thank the commissioner for the report and recommendations and to thank the committee today. We welcome the CESD report on marine mammals and its conclusions on how to adequately protect marine mammals from the threats posed by marine traffic and commercial fishing. We take these findings very seriously and are taking appropriate actions to ensure they are addressed.

We agree with the recommendations set out in the report, and are continuing our work towards mitigating threats to marine mammals and responding to those in distress. While recent actions demonstrate that progress has been made, we recognize that there's more work to do. The audit recommendations will inform our future actions to further protect Canada's marine mammals.

[*Translation*]

Marine mammals are important to Canada not only culturally, but also to the health of our aquatic ecosystems. Fisheries and Oceans Canada is dedicated to protecting these species.

[*English*]

As the report noted, the Government of Canada is making progress in protecting marine mammals. Since 2016 the government has invested $1.5 billion in Canada's oceans protection plan and $167.4 million in the newly launched whales initiative. With these investments, the government has taken concrete steps to help protect marine mammals from threats related to commercial fishing and marine traffic.

Several measures have already been put in place to protect the southern resident killer whale, such as the reduction of chinook fisheries to increase prey availability and a new mandatory requirement that vessels maintain a safe 200-metre distance at all times. In addition, we are pleased that other new measures, including speed restrictions for vessels and fisheries management measures in the Gulf of St. Lawrence, have been successful in reducing the risk for the endangered north Atlantic right whale population. In fact, thanks to the tremendous collaboration from the fishing and transport industries in implementing these measures, there have been no north Atlantic right whale deaths in Canadian waters this year.

Looking forward, we will work with all involved as we review the 2018 measures and improve them for 2019 based on stakeholder input and important new science advice that we're expecting late this year.

[*Translation*]

I would also like to note that the government has made important investments in our Marine Mammal Response Program providing $1 million annually to the world-leading third-party responder groups which are the backbone of this program. With this investment, the government is making sure that we have the capacity to respond to marine mammal incidents including whale entanglements.

We will continue to work with these groups to respond to the findings of the audit including holding another national meeting with them this fall to review the protocols in place for 2018 and make improvements where appropriate.

[*English*]

Many of the new measures now in place directly address recommendations found in the report. In 2015, the government promised to protect 5% of Canada's oceans by 2017, and this has been achieved. We now recognize 7.9% of our marine and coastal areas as protected, up from around 1% three years ago, and the government will continue towards conserving 10% of our marine environment by 2020.

Marine protected areas such as those under the Oceans Act, national marine conservation areas and marine national wildlife areas, are among the many tools the government has to protect ecologically significant and sensitive species and their habitats.

[*Translation*]

We will continue to work closely with our partners and stakeholders including Transport Canada and Environment and Climate Change Canada to review, assess and recommend the implementation of measures to address the threats to marine mammals.

[*English*]

We are committed to continuing to implement measures that address the recommendations in the report and we feel this will go a long way toward ensuring that marine mammals are protected from threats posed by marine vessels and commercial fishing activities.

Thank you.

The Chair: Thank you.

Finally, we'll move back to our Environment Canada representative.

Who's presenting for Environment Canada on report three?

● (1600)

Mr. Roger Roberge (Acting Director General, Sustainability Directorate, Department of the Environment): I am.

The Chair: Excellent. It's over to you.

Mr. Roger Roberge: I'm Roger Roberge. I'm the acting director general of the sustainability directorate at Environment and Climate Change Canada.

Thank you for the opportunity to discuss report 3, "Departmental Progress in Implementing Sustainable Development Strategies", including the significant progress that has been made as outlined in the report.

I will begin by providing some context on the evolution of the cabinet directive on the environmental assessment of policy, plan and program proposals; the Federal Sustainable Development Act and how it relates to this audit of strategic environmental assessments, or SEAs; and the audit results themselves. I will also highlight actions that Environment and Climate Change Canada is taking to support decision-making for sustainable development.

In brief, the cabinet directive came into being in 1990 and outlines the requirement to conduct SEAs when two conditions are met: that proposals are submitted to an individual minister or cabinet minister for approval, and that implementation of the proposal may result in important environmental effects, either positive or negative.

The cabinet directive was amended in 2010 to include a requirement to link SEAs to the federal sustainable development strategy, or FSDS, and to include within them contributions to the FSDS's goals and targets. It also required the 26 departments and agencies contributing to the FSDS to include results of their SEAs in their own departmental sustainable development strategies.

These departmental strategies are designed to include measures to ensure decision-makers are able to take into account environmental considerations alongside economic and social factors.

To support the development of comprehensive SEAs, the Canadian Environmental Assessment Agency assists all federal organizations by promoting SEA and providing guidance and training. In addition to its own obligations under the directive, Environment and Climate Change Canada is responsible for providing departments and agencies upon request with expert policy, technical and scientific advice.

In the previous SEA audits beginning in 2013 and over the course of the past five years, the commissioner has looked at how each of the individual 26 departments and agencies has applied the cabinet directive and whether they had met their commitments to strengthen SEA practices in general. The commissioner's report shows that the 26 audited federal organizations applied the cabinet directive to 93% of the proposals submitted for cabinet approval in 2017.

[*Translation*]

This is a significant improvement over the findings of previous audits when the rate of compliance varied between 23 and 44%.

What is more, 17 of the 26 departments that were audited, including Environment and Climate Change Canada, presented a 100% rate of compliance. Seven other departments presented higher rates of compliance and two others presented no plans in 2017.

It should be noted that the report contained no new recommendations.

[*English*]

Under the cabinet directive, each department is responsible for conducting its own SEA, and with this in mind I would like now to mention some of the steps that Environment and Climate Change Canada has taken to implement the directive.

At ECCC, we are committed to conducting a detailed SEA for every policy, plan and program proposal going to cabinet or to Treasury Board for approval. This also applies to proposals led by other departments or agencies that are assigned by the Minister of Environment and Climate Change. This goes beyond the requirements of the cabinet directive, which allows for some proposals, such as those not expected to have important environmental affects, to undergo preliminary scans rather than full SEAs.

We recognize that SEAs must be high quality to support decision-makers. As a result, ECCC has a dedicated unit to provide advice and review SEAs for the department. This unit also provides online classroom training to ensure employees are able to carry out thorough assessments. Public statements are also made available online so that Canadians can be informed of the steps being considered or taken. These include a description of how ECCC proposals could affect the achievement of FSDS goals and targets.

● (1605)

In conclusion, these and other actions taken in individual departments and agencies are reflected in the commissioner's positive findings.

Thank you. I look forward to any questions you might have.

The Chair: Great. Thank you to all the witnesses for staying within the allotted time. That's excellent.

I'd also like to recognize that we have a Parks Canada representative, Tamaini Snaith, with us, and from Transport we have Michelle Sanders. Welcome to you both. I understand both of you are available for questions as well.

I also wanted to welcome a visiting member, Mr. Yurdiga, from the Conservative side, and Elizabeth May from the Green Party. Welcome to our new members.

With that, we'll get into our rounds of questions, and we have six minutes per person. First up is Mr. Fisher.

Mr. Darren Fisher (Dartmouth—Cole Harbour, Lib.): Thanks very much, Mr. Chair.

Thank you, Commissioner, for being here. You're here so often that it's like you're a member of the committee. Thank you to all members of the departments for being here and for your expertise.

I don't have to tell you, Julie, that our committee studied both the federal sustainable development strategy and the act. You've reminded us of that definitive separation between the two many times. I'll say that we did as a committee share your concern that many departments in the past weren't developing and implementing sustainable development strategies. It didn't seem that the cabinet directive was being taken seriously or applied.

Now to go on a bit with what Mr. Roberge was saying, I'm really happy to see that in 2017, under our government, it says here that "263 of 283 proposals submitted for approval to Cabinet...had the Cabinet directive applied". I think that's somewhere from 40% to over 90%, which is significant. You know I'm an optimist. I'm looking for some of the improvements, and I'm also fairly patient.

We've heard from the department on what they feel they've done, but from your perspective, can you highlight the changes and improvements that you've seen during the audit and compare it with maybe the last three audits you've done?

Ms. Julie Gelfand: Absolutely. We've been looking at this issue of whether or not strategic environmental assessments have been done when proposals, plans or programs are presented either to ministers or to cabinet. We've been doing this since 2012, I believe, so it's been quite some time.

We found that results were quite poor in the past. In 2015 we had very poor results. SEAs were done in less than half the cases. In 2016 and 2017, actually, the results weren't much better. Remember that we had proposals that go to ministers and proposals that go to cabinet. There was always less compliance with the proposals that went just to the minister. It was more in the 20% range, whereas proposals that went to cabinet were more in the 30% to 40% range.

We were doing four or five departments at a time. This year we decided we would go back to all 26 departments, but we only looked at one section. We didn't look at the proposals that went to ministers, just at the proposals that went to cabinet. That's when we found a marked improvement: The last time we audited it, we were looking at about 40% compliance, and now we're above 90%. It's actually 93%—

Mr. Darren Fisher: Wow.

Ms. Julie Gelfand: That is really remarkable. One of the questions I got was, what accounts for this? We hope that it's because of our audit. I don't actually care what created the change; the fact is that cabinet now, in 93% of the cases for which it should have information about the environmental effects, both positive and negative, has that information in front of them, as well as the social and the economic effects.

That is really what we're trying to achieve when we talk about sustainable development. We want the decision-maker to know what the environmental, social and economic implications are. In the past, all they really had was economic, sometimes social, but usually socio-economic, and they never really had the third piece of the stool. Now they do. That is a positive thing.

Mr. Darren Fisher: Therefore, 17 of 26 departments were perfect. That's pretty good.

Ms. Julie Gelfand: That's really good. It's progress.

Mr. Darren Fisher: We're getting there. It's progress.

In 2018, you noted that the Department of Fisheries and Oceans implemented measures to reduce the threat to the North Atlantic right whale and the southern resident killer whale.

As you noted in 2017, Fisheries and Oceans Canada, along with Transport Canada, worked to implement a vessel slowdown to protect the North Atlantic right whale. In your conclusion, you mentioned that the actions of the departments suggest a change in approach that could reduce the threats to these marine mammals. Can you elaborate on why you determined that?

● (1610)

Ms. Julie Gelfand: We know that the departments have started to implement actions. The problem for us was an audit problem, in terms of the timing. It wasn't fitting into our audit time when we were there, so in each case we mention, all throughout the report, everywhere that the government had started to implement some actions, but we clearly indicated that we did not audit them. We can't audit their effectiveness, because it's too soon.

Mr. Darren Fisher: Right.

Ms. Julie Gelfand: What we can say is that we really didn't see a lot of action prior to those 12 whales being found dead, then there was a little bit of action, but not a lot. The 12 whales were found dead, and all of a sudden things kicked into gear. Remember that things kicked into gear for three marine mammal species, just the three whales, and there are still 37 other marine mammals that we need to take care. We want to make sure that they don't get onto the endangered species list.

Mr. Darren Fisher: Thank you, Mr. Chair. Oh, I still have a minute. Okay.

When you're talking about this increase and this change in approach, how does that align with the oceans protection plan?

Ms. Julie Gelfand: I would say it's completely in line with that. That's what kicked in, but we can't audit that because it's too soon and it was at the end of our audit period.

Mr. Darren Fisher: However, you've seen a drastic improvement since the OPP came in.

Ms. Julie Gelfand: We have seen actions being taken for three marine mammal species, yes.

Mr. Darren Fisher: Excellent. Thank you.

I'm good. Thank you, Mr. Chair.

The Chair: Next up, we have Mr. Godin.

[*Translation*]

Mr. Joël Godin: Thank you, Mr. Chair.

I also want to thank the departmental representatives for being here with us.

It is always a pleasure to have you here, Madam Commissioner. The information you share with us is always on point and I must say that it is always a bit reassuring. It very much helps us to do our work as parliamentarians.

You are all probably well aware of my opinion on this, but I will take this opportunity to reiterate that the commissioner does extraordinary audit work at different departments.

I used to be a member of the Standing Committee on Public Accounts and it was the same thing. The Office of the Commissioner is kind of the watchdog for Canadians by ensuring that our departments do their jobs properly.

This is the fifth audit on toxic products in 20 years and the fact that the Office of the Commissioner is deciding to conduct audits on these products is very good for Canadians. Many other departments are not evaluated.

My first question is for you, Madam Commissioner. What should we as parliamentarians be doing before there ever is an audit to ensure that everything is operating properly and, through an accountability mechanism, make it possible to recalibrate things every year or two or three in every department? How can we ensure that the departments take responsibility for their activities and that they work on achieving an objective in cooperation with parliamentarians and cabinet? The fact that no such mechanism is in place may result in a sense of insecurity. Knowing that the Office of the Commissioner is monitoring them might make the departments react differently.

Madam Commissioner, earlier you said that "the measures recently put in place have been reactive, limited and late."

That begs the question. Why wait to be the subject of an audit? Why wait for the results of an audit? Madam Commissioner, wear a police officer's hat for a moment and answer this question: why wait for the commissioner's reaction or the findings of an inspection, inquiry, investigation, or audit before reacting?

I would like your thoughts on that, Madam Commissioner.

Ms. Julie Gelfand: Given that you were a member of the Standing Committee on Public Accounts, I could give you an example related to that committee. It asks each department to come up with an action plan and to report back to the committee regarding that plan.

I would strongly encourage this committee to use the same approach. You could ask each department to develop an action plan every year and to submit an annual report to you, as is done at the Standing Committee on Public Accounts.

That would be one way to ensure that the departments are accountable to parliamentarians.

You are truly the watchdogs, not me.

Mr. Joël Godin: Absolutely.

Ms. Julie Gelfand: My role is to verify whether your instructions have been shared with the departments and to hold you accountable for that. I also determine whether or not the departments followed your instructions and then report back to you.

You really are the ones who demand accountability.

● (1615)

Mr. Joël Godin: Yes.

Ms. Julie Gelfand: I would encourage this committee to look at the current practice at the Standing Committee on Public Accounts, which calls on departments to develop an annual action plan in response to the recommendations in all of our reports so that the committee may follow their progress.

Mr. Joël Godin: The following question is for the departments.

How do you go about your self-assessment? Do you recalibrate your targets in an effort to help meet them, as needed? In other words, are you reactive only or do you use another approach, such as a measure, process, task, brainstorming type meeting, or some other method?

Mr. Philippe Morel (Assistant Deputy Minister, Aquatic Ecosystems Sector, Department of Fisheries and Oceans): I might be able to answer that first since the commissioner made comments about the Department of Fisheries and Oceans in her audit.

Yes, we do that all the time. First, in an effort to use public funding wisely, we consider the funding allocation, we assess our priorities, we make annual plans, and we write reports on the results.

As far as marine mammal management is concerned, we have an example where the department had to adapt to the North Atlantic right whale situation.

For decades, when the right whale ended up in Canadian waters it tended to keep to the Bay of Fundy.

We decided to shift the shipping lane to limit disruption to these whales. We know that environmental causes and the shifting location of fish food have caused the whales to move to other areas to look for their prey.

As a result, the whales have been moving more toward the Gulf of St. Lawrence for the past three years. We adapted our measures in order to develop favourable habitats in the Gulf of St. Lawrence. Last year was a very critical year and we had to implement some draconian measures.

We adapt our fisheries management plans and species at risk measures every year.

Mr. Joël Godin: Do other witnesses, the people from Health Canada or Transport Canada, have anything to add?

[*English*]

Ms. Gwen Goodier: I can speak with regard to toxic substances.

We assess our results in a number of ways. We have very clear targets for the program. We know that by 2020 we need to have assessed 4,300 priority substances. We report, through a CMP progress report, every six months on how we're doing in getting through those substances. We also report our results through the CEPA annual report. We have those targets.

Under the Canadian Environmental Protection Act, we have timelines for putting in place risk management instruments for substances that are found to be toxic. We have 24 months to propose a draft instrument and then another 18 months to finalize it, so we have time clocks built into the CEPA legislation.

We do program evaluations. Our audit and evaluation branch will be starting an evaluation of the chemicals management program, looking at how both Health Canada and Environment and Climate Change Canada are delivering the program.

Those are ways that we measure overall program results. We also do performance measurement for both our risk management instruments and our substances management. Risk management looks at how a particular—

The Chair: We're beyond our time. Thank you very much. We're going to cut it off there.

Ms. Gwen Goodier: Okay. No problem.

The Chair: If the Conservatives would like to continue with that, they will have at least two more rounds.

Mr. Stetski, we'll go over to you.

Mr. Wayne Stetski (Kootenay—Columbia, NDP): Thank you for being here today. As a former public servant, I really appreciate the work that you do.

Commissioner, it's always a pleasure to see you. You always fill the room whenever you're presenting, and you do very important work.

I want to sort of backdrop my questions with this. When you're trying to look after any species, it has to start with science, and then there's regulation and then enforcement.

Commissioner, I'm not sure whether this is a fair question—if not, I'll narrow it down—but how do you think government is doing these days with science? As you know, there were thousands of public servants laid off back in 2012 under the Conservative government, which was shameful, and I'll use the word "shameful".

How are we doing in science and how are we doing in enforcement? Then I'm going to ask some of the departmental people directly—

● (1620)

Ms. Julie Gelfand: I haven't done an audit on the science in these departments, so I really can't answer that.

The departments are here, so you can ask them. That's what I would recommend.

Mr. Wayne Stetski: Okay, then I'll go specifically to the marine endangered species that are covered in your report. How do you think we're doing there?

Ms. Julie Gelfand: In terms of the species at risk, it's very clear that Environment and Climate Change Canada had not met most of their deadlines for the development of recovery plans. Then, once the recovery plans were developed, they weren't meeting their targets for the action plan.

In a couple of species, you can see 11 years from the time it was listed under SARA to the time that the action plan was approved—up to 14 years. You can also add on the fact that many of these species were listed under COSEWIC before the Species at Risk Act, some of them going back to the 1980s.

We've been aware that some of these species have been at risk for a long time. At least from a species-at-risk action plan perspective, for the 14 species that were at risk, the departments couldn't show us any action for 11 out of those 14 species.

Mr. Wayne Stetski: Okay.

I have a question then for Mr. Morel on aquatic ecosystems. Are you responsible for science in that section?

Mr. Philippe Morel: No. I'm responsible for species at risk.

Science is a different sector, but depending on your question, I may give you an element of the answer.

Mr. Wayne Stetski: Okay.

I'm curious. In terms of the changes that happened previously—in 2012, etc.—how is your science complement doing these days in terms of staffing and funding?

I would ask Parks Canada that as well.

Mr. Philippe Morel: In budget 2016, I think it was $40 million that was reinvested in DFO to re-establish the capacity of the department. On a big initiative like the oceans protection plan or the whales initiative that relates to that, or the nature legacy initiative that was announced a few months ago, some money is also dedicated to support the science capacity of the department. I would say that the science capacity of the department is way better than it was.

It's a tricky question, because with science, the more you do research, the more you probably need to do to bring certainty.... We feel, from a program perspective or from a regulatory preparedness perspective, that we have the proper science to do our job.

Mr. Wayne Stetski: Clearly from the auditor's report, there's more work to do, particularly around species at risk.

I'll turn to Parks Canada.

Is your department only park wardens, or is it also science and park wardens?

Ms. Tamaini Snaith (Acting Director, Natural Resources Conservation, Parks Canada Agency): We do have park wardens doing enforcement. We also have active science capacity in parks.

We have a system-wide ecological monitoring program by which we look at how the ecosystems in parks are doing. That's how we make decisions on where to put our restoration efforts, and that feeds our ongoing park management planning cycle.

Mr. Wayne Stetski: If you have the answer to the question, where are you today compared to after the cuts in 2012?

Ms. Tamaini Snaith: I don't have the actual numbers of the scientists who are employed at Parks Canada, but we similarly received resources in budget 2018.

Mr. Wayne Stetski: Am I out of time, Mr. Chair?

The Chair: You have two minutes.

Mr. Wayne Stetski: Again, I'll go back to the commissioner on this question.

I'm very happy to see the increase in marine protected areas, up now to 7.9%. Are you comfortable, from what you've seen so far, that the regulations in place in those marine protected areas will protect marine species at risk?

Ms. Julie Gelfand: What we looked at in our audit was whether or not marine protected areas were a tool that was being used to protect marine mammals specifically.

Marine protected areas are established for a variety of different reasons. Environment and Climate Change Canada established them for seabirds, for example, and in those ones the regulations are quite strict and not a lot of activity occurs. You'll see that in our audit. Parks Canada establishes more of a representative system of protected areas, so they have a different set of rules and regulations. In our audit we talk about the Saguenay marine park and the regulations there to help protect the beluga.

In the case of the marine protected areas established by DFO, three out of 11 marine protected areas were established to protect marine mammals, but we found that generally in those three areas overall there weren't a lot of restrictions generally for commercial fishing or for shipping.

● (1625)

Mr. Wayne Stetski: Okay.

The Chair: You have one minute.

Mr. Wayne Stetski: I want to go enforcement for just a minute, Ms. McCready, if possible.

I understand that you have at least one officer in my riding, which is appreciated.

Ms. Heather McCready: We do.

Mr. Wayne Stetski: At one point DFO planned to have six enforcement officers in the Kootenays. There are none there today. There are no fisheries biologists in my part of the world at all. When you need assistance in terms of enforcement, working with other departments, it must feel a little lonely at times. Could you comment a bit on interdepartmental enforcement and regulation enforcement?

Ms. Heather McCready: I'd be happy to.

Canada is a big country. We have, as I mentioned, approximately 200 officers spread across the country. However, we work very collaboratively with provincial officials and also other departments. While we are sometimes small, we are friendly. There's a lot of outreach going on among the different levels of government even though we're spread out all over the country.

What I try to do with our officers is to get them to remember that we're a national program. If we look at ourselves as a collection of tiny district offices, then we seem quite small. We are quite often up against massive corporations, usually multinational mining corporations. From where I sit, I'm looking at the sum of the parts. I see these bits of brilliance all over the country. When we add them together, we're actually quite strong. When we add that to our provincial counterparts, who we work with quite frequently, and then other departments, it's not uncommon for us to be working on a long-term, multi-agency joint investigation. There's one actually in your area that includes the Province of B.C., Fisheries and Oceans, and Environment and Climate Change Canada. Those relationships are really a force multiplier. They take effort to set up and to continue, but they're an important part of our work.

The Chair: Thank you.

Next up we have Mr. Bossio.

Mr. Mike Bossio (Hastings—Lennox and Addington, Lib.): Thank you all for being here today.

Commissioner, as always, it's a real pleasure to have you in our room with that breath of fresh air that you bring every time you come. We appreciate it, and the exceptional job you do on the accountability front.

Our committee has been recognized. Monsieur Morin did a study on CEPA. One of the recommendations is "that CEPA be amended to require the federal government to develop legally binding and enforceable national standards for drinking water in consultation with the provinces, territories, Indigenous peoples, stakeholders and the public". The government came back from that report with the response that it's supportive of strong drinking water standards nationally and that actions were being undertaken to strengthen the existing approach for the development of these guidelines.

I ask this question because there's one chemical in particular, 1,4 dioxane, which is found in landfills. It is the chemical that actually shows that leachate is leaking from a landfill, and it is indisputable. The concern I have is that in Canada the regulation today is 50 micrograms for 1,4 dioxane, but in all other jurisdictions—in the U. S., Europe, and other places—it's 0.75 to three in most other jurisdictions.

My concern is that we're falling behind on these drinking water standards. From what I understand, that standard is under review right now. I want to know where things stand on that. Do you take into account these other jurisdictions when you're looking at these standards?

Mr. David Morin: In terms of the legally binding drinking water quality standards, we are working with regard to private member's bill C-326 on improving the transparency, the reporting and the progress that's being made with regard to drinking water quality standards in Canada. We are progressing. Work in that area is to really improve the transparency in the CEPA annual report.

In terms of work that's being done to make this available, a lot is being done between the federal government and the province. We are also a collaborating centre of the World Health Organization.

Specifically with regard to 1,4-dioxane, we actually published a draft drinking water quality guideline in September. Prior to that we did not have one. That draft drinking water quality guideline that was published in September has 1,4-dioxane at 50 micrograms per litre, which is considerably lower now than the one that is proposed by USEPA. They have it as currently at about—

● (1630)

Mr. Mike Bossio: It's three.

Mr. David Morin: They have it here as one milligram per litre.

Mr. Mike Bossio: Yes, sorry. Some of the states are at three and some at one, but we're at 50.

Mr. David Morin: Yes. We follow the one by USEPA. We work with and follow very closely our counterparts at USEPA in terms of reviewing all the latest science that's out there, as well as working with the World Health Organization.

This guideline that was pulled together is a draft guideline. It is currently out for a 60-day public comment period, and we are looking for any comments or advice that come in as a result of that. We take that back, we reflect on it, we look at it, we follow up—

Mr. Mike Bossio: As far as getting that out to the public, we became aware of that consultation process happening by fluke. The company that is trying to have a high standard established, Waste Management Corporation, made one of my constituents aware this was happening. His well was actually contaminated by leachate, and was that way for 13 years. This individual is beside himself because here we're looking at 50 micrograms per litre, whereas everywhere else is dropping this standard exponentially. We're still maintaining this very high level.

Then there was a mad dash to try to find something on your site. I actually approached the department and couldn't get any information as to what.... They wouldn't even make me aware that a consultation was occurring until our hydrogeologist and toxicologist dove into it and found the link to where they could actually put forward a response and be a part of this consultation.

I don't think any improvements are being made and I don't think other jurisdictions are being considered when we're looking at a substance like this that's already been confirmed to be a toxic carcinogen. How do you respond?

Mr. David Morin: We appreciate the concerns you've raised. In terms of the next steps on that, we are in that consultation period.

You've raised two things. Number one is to make sure that people are aware of these consultation periods when they're there. The point is very well taken. We will take a look at how we can ensure that people are aware that these are posted. It is definitely a challenge, so we are going to make sure that is clearer.

Mr. Mike Bossio: If you say you look at other jurisdictions, how do you say on one hand that we're looking at a number of 50, and everywhere else is one or less than one? How do you square that circle, that we're still so far away from the mark of actually having meaningful standards around this chemical?

Mr. David Morin: All of our guidelines are science-based. Your comments are well taken. We will go back and take a look at what else has been done based on comments that came in, as well as consulting with our colleagues at USEPA, who have their guideline, to get a sense of any views they may have.

Right now we have a draft out there, and once we get the comments back, we are going to take a look at whether and how it has to be revised.

The Chair: Thank you. You're out of time.

Now we'll go over to Mr. Lake.

Hon. Mike Lake (Edmonton—Wetaskiwin, CPC): Thank you very much.

Thank you for all your presentations today. I'm filling in on the committee for Ed Fast. I passed on a hello from Julie, and he sent me a happy face back. I asked him if I could pass on a hello to everyone, and he said please do that, so Ed sends his regards to everyone on the committee.

I want to start with the assessments of the strategic environmental assessments. When were the SEAs made requirements?

Ms. Julie Gelfand: The cabinet directive came into effect in 1990.

Hon. Mike Lake: In 2012 you started doing the audits. You had a multi-year plan, doing about five a year, you were saying.

Ms. Julie Gelfand: Yes. We did between four and six different departments. Twenty-six departments are required to participate in the federal sustainable development strategy.

● (1635)

Hon. Mike Lake: Right.

Ms. Julie Gelfand: When they did that, they made a commitment to improve their strategic environmental assessment work. We began that in 2012. The first couple of years we didn't look at specific numbers. We looked at processes and whether they had the processes in place. Around 2015 we started to look at the numbers to see whether or not they were actually doing it.

For 2015, 2016 and 2017, we looked at the numbers of proposals and whether or not they had completed strategic environmental assessments.

Hon. Mike Lake: In 2015 they were bad, and in 2016 and 2017 they were even worse.

Ms. Julie Gelfand: Yes.

Hon. Mike Lake: Why? Was it just the selection at the time, maybe?

Ms. Julie Gelfand: Yes. It depended on which departments we looked at. I believe in 2017 we were looking at all the economic opportunity ones—Atlantic and Quebec—and that was probably not something they would even think of. Some of the earlier departments would have been some of the big departments.

When we looked at the past, we found that Parks Canada was the star. Every single thing they did went through an SEA. Even Environment Canada at the time—sorry—didn't follow the directive, so I'm really happy to hear they're doing a great job now.

However, definitely we were able to show—and I remember coming to committee and telling you,—that somebody can do this, because Parks Canada did it for every single proposal.

We're now finding in the proposals going to cabinet that the compliance with that cabinet directive has gone up. Around 30% to 40% of the proposals that went to cabinet a year ago had done a strategic environmental assessment. Now—bang—they're up at 90%.

Hon. Mike Lake: It is a requirement, though, right? They should have been at 100%.

Ms. Julie Gelfand: Definitely. I was pleased to hear that one of the very senior civil servants said, "Well, what about the other 7%?"

Hon. Mike Lake: Good.

Ms. Julie Gelfand: But you have to celebrate going from 40% to 90%.

Hon. Mike Lake: Oh, for sure.

Ms. Julie Gelfand: I don't usually say anything good about anything—

Voices: Oh, oh!

Ms. Julie Gelfand: —so I'm really happy to say something good about something.

It's just part of my job.

Hon. Mike Lake: That's good in this place. Not a lot of us say that much good about anything here.

Ms. Julie Gelfand: Yes. You know, we need to be positive sometimes.

Hon. Mike Lake: I appreciate that.

The organizations would have known that you were going to assess all 26, so that would probably have a real impact, or would they not have this time around—

Ms. Julie Gelfand: Not necessarily, no. That's the interesting part. Once you'd gone through the wringer once with us, the five or six, and then after the next year another five or six, I don't think the first five or six had any clue that we would ever come back to them and do all 26.

I have to say about David, one of my staff in the back, that auditing 26 departments in one year is yeoman's work. To be able to do that in one year, with all the interaction you need to have with 26 departments, is quite unheard of. We need to congratulate all my staff, but particularly for that one.

Hon. Mike Lake: I'll switch gears to the toxic substances. You talk about the communications side. To me that's really interesting. In the past when you've reviewed toxic substances, what have you said regarding the communications? It obviously hasn't been good in the past.

Ms. Julie Gelfand: Actually, I don't believe we've ever talked about communications in the past.

Hon. Mike Lake: Okay.

Ms. Julie Gelfand: This was our first time.

Sorry, I'm having a hard time hearing you guys way far away.

I don't believe we ever audited the issue of communications in the past. This was our first time. I want to say that Health Canada had produced three bulletins that were very understandable for your average Canadian. I think of myself that way: Could I understand this?

At least at the time we did our audit, there were 138 toxic substances, and three of them were done in a way you and I could understand. It would be great if all 138 were. It sounds as though they're on the road to doing that.

Hon. Mike Lake: How much time do I have, Mr. Chair?

The Chair: You have a minute and a half.

Hon. Mike Lake: Following up on that for a second, I have a 22-year-old son with autism, and I think about what families face. They're bombarded with the reality of a diagnosis. One thing that's very usual is well-meaning people who will come forward and say, "This has been shown to cause autism" or "This will really help you." Usually the information is not scientific in any way whatsoever.

In the last minute that we have, maybe the experts in the departments could quickly touch on the importance of science- and evidence-based information for families as they're trying to make the best decisions they can, especially in the sort of wild west Internet environment we live in today.

● (1640)

Ms. Julie Gelfand: Could I just start by saying that government scientists would be the best people and the people that I would trust the most. Who knows who is presenting what on the Internet, for example?

However, I think Health Canada should probably answer that.

Mr. David Morin: Absolutely. Thank you very much for the very relevant question.

All the work that we do within the safe environments directorate on chemicals risk assessments is science-based. We rely on scientific studies. We work with other experts and other jurisdictions in that area and we definitely rely on a review process that goes out there. As part of this review process, we often get back comments like "I don't agree with this." That's very nice, but in the end we need a scientific rationale as to why they agree with it or why they do not agree with it.

We make a very strong effort, in terms of trying to communicate the results of these science-based assessments out to the average Canadian. We've started that. In a series of what we call plain-language summaries, we take that science and we then transfer it into more common language and try to get that out there.

In terms of informing our science, we rely on organizations such as the OECD, as well as the World Health Organization, and also try to bring in that international expertise to help inform our decisions.

I'm sorry about the extra time.

The Chair: Thanks for wrapping it up there.

Next we have Mr. Amos.

Mr. William Amos (Pontiac, Lib.): Thank you, Chair.

I'd like to thank all of our representatives. It's always a privilege to hear from you, and every time, I learn more.

I'd like to start by commending our commissioner, because I think one of the things we are seeing is that repeat audits on a particular topic lead to better outcomes over time because there is a predictability to it.

I'd like to hear the departmental representatives, particularly on the side of toxins, because that's where the greatest repetition has occurred. I'd like to hear what the departments feel have been the biggest improvements as a result of that sequence of audits over the past several years.

Could you bring us back to the earliest audits related to CEPA and bring us on through?

Ms. Gwen Goodier: I can start talking about performance measurement.

In the 2011 audit, I recall that the previous audit on toxics indicated or proposed that we didn't do a good job measuring the effectiveness or what impact our compliance promotion and enforcement activities had.

We took that on board and we put quite an extensive pilot project in place to answer the question of what difference our compliance promotion and enforcement activities actually make.

In the most recent toxics report, I know one of the criticisms was on how many inspections focused on the PERC regulations, but that was actually quite deliberate. The PERC regulations deal with tetrachloroethylene, which is a very toxic substance used in dry cleaning. It's a hydrocarbon, it's toxic to the environment, and if it's not handled properly, it can contaminate our groundwater.

The other thing I should mention is that we had low compliance rates in the dry cleaner community. Typically, there were key issues in that they were just not complying with our regulations.

We put a test in place that involved establishing a baseline period, so we determined current compliance rates. We set a target. We wanted to see a 10% increase in compliance as a result of our compliance promotion activities and our enforcement interventions.

We had our baseline period, when my enforcement colleagues did a blitz of inspections. They determined what our compliance rate was at a point in time. Next, we had compliance promotion experts, who are people who specialize in providing information to regulated communities about how they have to comply with our regulations, and they focused on the dry cleaners and explained to them what their obligations were under our PERC regulations. They did that in a blitz as well, so there were very targeted efforts.

We looked at the community in which English and French were not usually the mother tongues, so we produced materials in a range of other languages. There was a period of compliance promotion, and then we had inspectors go back to do a blitz of inspections to see if we had moved the needle on compliance rates.

In the end, we found that we had and that the inspections and the compliance promotion blitz had an impact. We went from 51% compliance to 62% compliance. It was definitely an improvement, although 62% is still not great.

As the report noted, we are still focusing on that community to make sure they are complying with our regulations.

That's one example of how we have addressed a very specific recommendation about assessing our effectiveness.

If there is time I can ask Heather, my colleague in enforcement, to talk about—

● (1645)

Mr. William Amos: Thank you. I would like them to have an opportunity as well, but I see that the commissioner would like to comment.

Ms. Julie Gelfand: Yes. Very quickly, in 1999 the departments didn't have action plans for toxic substances. Now they have action plans for all 138. It takes time, but they have that done. If we look at some of these specific issues, from limited information back then to now, when information they indicate in their response is maintained daily, we do see progress.

We don't always audit where we think progress is going well. They mentioned already that they'd assessed 3,331 chemicals out of 4,300 at the time of our audit. We looked at that and said, "They're probably going to meet their goal, so there's no need for us to audit it."

We have seen some progress—not in everything, but in some things.

Mr. William Amos: I'd like to hear from the other civil servants who are working on the toxics question. That would be helpful. Ms. McCready and Mr. Morin, would you comment?

Ms. Heather McCready: Thank you for the question. Gwen already did a good job of describing the PERC project. She and I actually worked on it together in more junior positions at the time. That's how we got to know each other.

She was talking about the blitz of inspections. That enforcement approach is very different from how we usually work. Typically we're looking to find non-compliance by using intelligence and other means of analysis to do fewer inspections, but looking specifically for non-compliance. To do the kind of compliance-rate project she mentioned, we had to establish a statistically valid compliance rate. That meant doing a lot more inspections on one particular area—not looking for non-compliance, just doing a random sample, establishing a compliance rate, and then developing a targeted intervention. Part of it was compliance promotion. Part of it was enforcement. Then you go back in and sample again.

That is a significant undertaking, and that's why we saw so many inspections being done on PERC.

At the time we were also testing the methodology to see if we could use it in other ways. The audit mentions that during that period of time, they would have expected to see that we had done that kind of project on other things.

We actually did. We ended up using that methodology for a couple of different cases involving the Fisheries Act and associated regulations. That just wasn't captured by the audit because it was specifically looking at CEPA toxics.

You asked a question about the improvements we've seen, and I really appreciate that question. I've been with the program for about nine years and I've been able to see this incredible evolution. We had peace officer powers about 20 years ago. About 12 years ago we became a separate branch. The audits on CEPA toxics and other things came at key points in our development. I've seen over the years how seriously our department took those recommendations and how much work we've done. The sophistication, the way we're playing right now and the level at which we're playing have improved dramatically.

I'm on the board of the pollution crime working group of Interpol, so I interact with a lot of international colleagues. I'm proud to say that we are among the best in the world at what we do. There is still so much work to be done. That's why I appreciate audits and appreciate the work of the commissioner for highlighting areas where we have to go.

There is so much work yet to be done, but there has been significant progress, so thank you as well to the commissioner for recognizing that.

Mr. William Amos: Thank you.

The Chair: You have just seconds left if your Health Canada representative would like to briefly comment.

Mr. David Morin: Thanks very much for the question. It is very relevant.

One of the areas I have been involved with in the program for many years now, and where I have seen incredible improvement, is in the pace at which risk assessments are done. Previously we took many years to do one risk assessment; between 2006 and 2020 our plan is to do 4,300 risk assessments. We are now at about 3,500 risk assessments done.

Canada's plan to look at our legacy substances, go through our inventory of chemicals eligible for commerce in Canada, triage them, do risk assessments and then flag areas where we must take management action is honestly world-leading. Very few countries in the world have done that. That is one area where we have definitely sharpened our pencils and put a focused effort into the work that has to be done there.

Sorry for the extra time.

Thank you.

● (1650)

The Chair: Great. Thank you.

Mr. Yurdiga, you're up next.

Mr. David Yurdiga (Fort McMurray—Cold Lake, CPC): Thank you, Mr. Chair.

Thank you to the witnesses for coming here today to provide so much knowledge in such a short time.

I'm new to this committee, and some things really stood out for me. The government identified 138 toxic substances, such as mercury, lead and PCBs. I'm curious about how it is broken down. What is the source? Is it municipal, industrial, agricultural?

We understand it's there. What is the source, and is that documented over time, Commissioner?

Ms. Julie Gelfand: I think it's best to ask the department that question.

Ms. Gwen Goodier: I can start. Then I think my colleague David will want to jump in.

When we do a risk assessment, we assess whether the substance has negative impacts on human health and the environment. They are from a multitude of sources. They can be end-of-pipe industrial releases or diffused from products in landfills into the air, water, groundwater or surface water. They can come directly from the processes that produce products, from the products themselves, from the mining sector or pulp and paper. Anywhere there is the potential for pollution is a potential source of toxic substances.

I don't think there is one that is greater than another. When we look at each toxic substance, we do assess how the exposure is happening, and how humans or the environment are exposed to that particular substance. That allows us to target our risk management efforts, because we need to know the source of the substance in order to be able to address the risks and reduce them.

Mr. David Yurdiga: Thank you.

A lot of municipalities dump raw sewage into our waterways. A lot of times, things are dumped into our system that shouldn't be.

What is the monitoring process for municipalities? Obviously, it's a huge concern for a lot of community members when we have raw sewage going into the waterways. Who does the testing for that? Is there a record of whether the toxins are increasing as a result of that? Can I go somewhere on the Internet and find out information? A lot of times information is not readily available to an average Canadian, or we don't know where to look.

Ms. Heather McCready: I'll start from an enforcement perspective.

We may have to come back to you with that specific information, because that would come from our science and technology branch and we don't have anyone here with us. We can come back to you in writing if you would appreciate that.

Regarding municipal waste water, my program actually does quite a bit of work in that area outside the scope of this audit.

The way I look at our program, I'm not specifically looking at CEPA toxics or the Fisheries Act or mining. It's about enforcement as a whole and how to solve problems with the tools we have.

For example, we actually use the Fisheries Act to address issues with pesticides. That handles toxic things, but not in a way that this audit really captured.

You mentioned waste water, which is a significant area of work for us. We handle that with a regulation under the Fisheries Act called the wastewater systems effluent regulations. That is an area where we are doing more and more work. There are lots of inspections across the country, and we've put a national approach in place. Actually, one of our officers recently won an award from the Community of Federal Regulators for his unique approach in dealing with the province of Newfoundland.

Dealing with municipalities is a very different situation from dealing with a multinational mining corporation. We understand that with waste water, we're talking about a need for quite substantial infrastructure investments in some cases. It's a problem that doesn't necessarily have an enforcement solution, but enforcement can be an important part of it. We do quite a lot of inspections. Doing those inspections, we are able to identify which municipalities are having issues and are dumping the most raw sewage into the environment. Then we can prioritize our enforcement action to focus on those areas.

We end up working quite collaboratively with municipalities. Sometimes we'll issue an enforcement action to a municipality. That seems uncollaborative, but most of them understand that they are then able to use that to speak with provincial authorities or federal authorities to bump them up in the queue for getting potential funding for infrastructure investment. We can actually be a part of the solution. That's an area of key focus for us.

In terms of where you can go to get that information, we would have to come back to you in writing, potentially. Unless Gwen can add....

Ms. Gwen Goodier: Under the wastewater effluent system regulations, municipal governments do have to do environmental effects monitoring, and they provide that data to the department. To my knowledge we don't make it public, but we do collect information to make sure that they're meeting the requirements under the regulations.

You're right to point out waste water as a source of contaminants. That's why those regulations were put in place. They spell out the timelines for municipal governments to make sure that their waste water treatment systems are dealing with the waste water to bring it to at least a secondary treatment level, which removes between 90% to 95% of contaminants.

● (1655)

The Chair: You have 30 seconds.

Mr. David Yurdiga: I have a quick question. Why isn't that data regarding municipal waste water available to us—to this committee? Could it be?

Ms. Gwen Goodier: I think I'd want to check with the folks who are responsible for those regulations and get back to you with an answer to that.

Mr. David Yurdiga: Thank you.

Ms. Julie Gelfand: Could I just say that the waste water regulations are fairly new? We have not audited them yet because we usually give new regulations some time to get into gear. We will probably do an audit.

We did do an audit on infrastructure related to the gas tax fund. We did mention the issue of the waste water regulations, but we haven't actually done an audit on it yet. We're giving it a bit of time. Then we'll go in.

Mr. David Yurdiga: Thank you.

The Chair: Colleagues, we have two questions left, a six-minute slot for the Liberals and three minutes for Mr. Stetski for the NDP.

Ms. May has been patiently sitting here. She needs to leave at five o'clock. Normally the Green Party does not have a place at the table. I'm wondering if we would be willing to entertain a three-minute spot. It would require agreement from all parties to give Ms. May three minutes before she needs to leave.

Is there agreement?

Some hon. members: Agreed.

The Chair: Ms. May, you have three minutes.

Ms. Elizabeth May (Saanich—Gulf Islands, GP): Thank you, Mr. Chair.

I thank you all, colleagues. That's incredibly generous of you. I appreciate it.

First of all, I know there's no one here from the Canadian Wildlife Service, but can anyone from Environment Canada give us a comparison of the PYs that were available on preparing recovery plans under SARA before 2015, and if that number has been augmented since 2015?

Mr. Philippe Morel: [*Inaudible—Editor*]

Ms. Elizabeth May: Sure, if you want to take a stab at it.

I was looking for someone from the Canadian Wildlife Service under Environment Canada, but if you know....

Mr. Philippe Morel: I don't know about Canadian Wildlife.

Ms. Elizabeth May: That's what I was asking.

Ms. Gwen Goodier: I'm sorry; I don't have that information.

We could provide that to you, but I don't work in that branch.

Ms. Elizabeth May: I could see there was no one here from that branch. If you could provide it, it would be very useful, because my hunch is that the reason recovery plans are so slow in coming is that there are not very many people writing them.

There were three people up to 2015. From reading budgets carefully, I don't think that the number has been augmented.

I'm wondering if I could turn my attention to asking questions of Mr. Burns. You mentioned that we had $1.5 billion invested in the oceans protection plan. I won't quibble; I would say $1.5 billion was announced.

Do you happen to know how much has yet been allocated from the $1.5 billion over five years?

The Chair: I'm sorry, Elizabeth, I'm stopping the clock here. I just learned that we do have somebody in the audience who may be able to speak to your question, a departmental official from the Canadian Wildlife Service.

Ms. Elizabeth May: Okay.

The Chair: We'll have to share a mike for a second. I'll restart the clock.

Ms. Elizabeth May: That's great. Thank you, Chair.

Mr. Grant Hogg (Director, Protected Areas Directorate, Department of the Environment): Hello. My name is Grant Hogg. I'm a director in the Canadian Wildlife Service, in Environment and Climate Change Canada.

I don't have specific numbers, but I can go and get them. I do know that after budget 2018, we did get significant resources to increase the staffing complement for species at risk. I'll be sure to provide that money afterwards.

Ms. Elizabeth May: Thank you very much. It would be good to know if they've been onboarded or if they were just announced.

This goes to my question to Mr. Burns. How much money has yet been allocated out of the $1.5 billion announced for oceans protection?

Mr. Adam Burns: Sorry; again, I don't actually have the specific numbers, but it is something we could definitely provide to you.

Ms. Elizabeth May: That would be great.

Let me get to a very specific question. I'm not sure who the right person is to answer it.

The state of the southern resident killer whale population is a deep concern for my constituents. What I hear repeatedly from people is if the whales are on the U.S. side of the border and whale-watching vessels come too close, they are ticketed, but when Canadian whale-watching vessels get too close, there's virtually no enforcement. The 200-metre safe distance would be great if we were enforcing it.

Are there any comments on that?

Mr. Adam Burns: On that particular issue, definitely enforcement is a critical component of making sure that the measures put in place are being followed.

In terms of enforcement on the west coast, we're certainly acutely aware of that need. There have been some investments as part of the OPP and the whales initiative to ensure some additional capacity in terms of enforcement.

Ms. Elizabeth May: As of now, there's nobody there ticketing whale-watching vessels that are harassing whales. I'm glad to know that you're moving on it. I can tell you from the ground that I get reports all the time from desperate constituents who are watching this critically endangered species being harassed. You would think that the people who make their living out of showing tourists southern resident killer whales would be more protective, but I hate to say that there are some bad actors out there and we need to ticket them.

Thank you.

● (1700)

Mr. Adam Burns: Okay.

Ms. Elizabeth May: Thanks for the time.

The Chair: All right. Now we'll resume our regular list.

Ms. Dzerowicz, you have six minutes.

Ms. Julie Dzerowicz (Davenport, Lib.): Mr. Chair, thank you.

Commissioner, thank you so much for your report. I'm glad you exist. Thank you to the departments that are here as well, and for all your presentations.

This area is very important to me, not least because I'm highly sensitive to chemicals and to toxins. I'm one of those canaries in the mine, so I feel it right away. I get skin rashes. I notice everything. Also, I'm super-concerned about the fact that we have cancer rates that are increasing exponentially each year in spite of our putting far more millions and millions of dollars into cancer research.

I'm pretty new to the committee and I'm going to ask some pretty basic questions, but this is where I am as a Canadian and as a parliamentarian right now.

For my birthday, I received a bracelet. That bracelet caused me immediately to have a migraine, a colossal migraine. I went back to the store and said there was nothing on the box but I know it's some type of lead, or I don't know if it's lead or mercury, but it's something that has led to the migraine. When I went back to the store, they couldn't tell me what the bracelet was actually made of.

As a department, what would you say is the obligation of that company to know what's actually in that product, and what's the obligation of the Canadian government to tell me that there's something there that might make me sick as it relates to toxic substances?

Do you have an answer to that?

Ms. Gwen Goodier: You're raising a concern that we've heard from other Canadians. We do have regulations that prohibit toxic substances from being in products. We plan to be doing some product testing to make sure that a sample of products we test do comply with the regulations, but obviously we can't test every product on the market.

One of the things we're looking at in the context of planning for a chemicals management program after 2020 is the type of information consumers need that would be helpful to address a situation such as that, to give them information about the products they're buying and how to use them.

It is an issue we're aware of. At this point, companies need to comply with the regulations, but we can't test every product.

Product labelling was one suggestion made by the ENVI committee. That's one of the options we're looking at, but there are other ways to get information to consumers. Retailers such as Walmart have a safe-product label that they put on products that don't contain toxic substances.

There are different ways of addressing that concern, but I hear you.

Ms. Julie Gelfand: We have done an audit on chemicals in consumer products. I encourage you to have a look at it.

I don't remember what year it was, because I focus on the two or three audits that I'm doing at a time. However, we did do an audit on chemicals in consumer products, and that would clearly outline who is responsible for what.

Ms. Julie Dzerowicz: Okay. That's helpful.

One of the other things that again I'm looking at just from my perspective, because I figure I'm an average Canadian, is in terms of what information is available on the Canadian government website in regard to toxic substances.

I went to the Canadian government website while I was waiting, just to see what was there. I would have no understanding when I'm looking at the different types of lead and the chemicals that are there.

As an average person, because I'm so highly sensitive to everything, I would want some idea of things I need to be careful with if I'm sensitive to mercury or lead. I don't necessarily need you to mention stores, but even bracelets or things such as that. I'm not quite sure exactly what I'm looking for, but I know I'm looking for far more information than what currently exists.

Have we actually done focus groups with Canadians to ask them to look at our websites and tell us what information they think is missing? Have you done any of that so that maybe we can get Canadians coming to the Government of Canada website, so that you can provide people such as me with the information I desperately need to stay healthy?

● (1705)

Mr. David Morin: Thank you very much for your question. It's absolutely very relevant.

At Health Canada, we do a lot of work in trying to communicate with Canadians about the risks associated with certain hazardous chemicals. We do appreciate the complexity of the messaging, and also really that ability to navigate the website and stuff like that. In 2016, we undertook a five-year plan to look at this. In 2017, some public opinion research was done that focused on the interests of Canadians, what Canadians wanted to know. It focused on how they wanted to be informed about this, how they accessed data, and some of the challenges that they faced when accessing data.

We took all of that information back and we pulled together a new approach that is being implemented. From a social marketing perspective, we have some plain language pieces that are being put together. We have some social media that is being pulled together to communicate that out. We have different regional outreach programs that go out, so it's not just centred in the national capital region. We work with our regional colleagues. We target trade shows and home shows. On certain substances—for example, radon or asbestos—we've actually had blitzes and gone out to educate Canadians.

One of the things we learned is that with regard to chemicals that are very abstract to people, when people are unaware of the chemical and it's perhaps an industrial chemical that is meaningless to them, it is pretty hard for them to engage on it. However, when we're able to really make it relevant to them and they're able to see their homes and see themselves in this, they have a much greater interest.

We also looked at target audience.

Ms. Julie Dzerowicz: Just because I see that we're sort of ending.... I guess the clear message for me is that we need to go much faster on this in terms of making this information available to Canadians in a way that they understand.

Among Canadians in general, there is a belief that the Canadian government is protecting Canadians in general against all these toxins, and it's wonderful that they have that. Because I'm so sensitive, I actually have the opposite view. Right now, I ask very many questions at a store, because I have to. I just say to you that if there are additional resources or additional things that are needed, bring them back to this committee. I think this is an area that is serious, and I think we're serious about trying to take some immediate action on it, so thank you.

The Chair: Great. Thank you.

The last is Mr. Stetski, for three minutes.

Mr. Wayne Stetski: I'll try to get in two questions, starting with enforcement again.

Back in 2007, one of the ecosystems people we had on board was dealing with a developer who was about to blow up a cliff along the waterfront. The developer turned to him and said, "How much will it cost me if I blow this up?" He said, "Up to a million dollars", and the developer turned to his guys and said, "Go ahead and blow it up."

My question to you is this: Is the fine regime enough to actually impact and change the behaviour, in your experience, that's currently in place?

Ms. Heather McCready: I'll try to keep my answer brief, even though this is an area that I'm really excited about.

There were some changes to the fine regime under CEPA and also under the Fisheries Act that took place in the last few years. The Environmental Enforcement Act, which came into effect in 2010, raised the mandatory minimums and maximums under CEPA. Subsequent amendments to the Fisheries Act did a similar thing.

The idea was to make environmental penalties larger than the cost of doing business. This was for very much the reasons you mentioned. However, we noticed over the years that even though there were new fine schemes in place, they weren't really being picked up by the courts. A group of us got together with the intent of improving our investigative capacity, and we ended up talking a lot about sentencing. Since we use all these resources and do all this work to try to get an outcome, we want to make sure that when we have a successful prosecution and a subsequent fine, it really means something to the company in question.

Corporations speak the language of money. We like to look at the size of the fines as a way of communicating a very strong message. They're also a method of moral accounting. It's the way for the justice system to say, "This thing mattered to us, so we're going to place a high value on it." I'm smiling at you because the officer who's in your area actually was a big part of this group that put together sentencing support tools to help officers give better recommendations to the Public Prosecution Service of Canada about what sorts of sentences we would like to see for the investigations that we've been working on.

We have seen a dramatic increase in the amount of penalties that we are recovering. In addition, we're seeing an increase in the use of creative sentencing, whereby courts are ordering companies to do certain things to clean up their acts.

There was one in particular that this officer in your area worked on. There was a $3-million fine, which is significant, but what was more significant was that the company then had to invest $50 million to upgrade its treatment systems.

I wish I could talk about these things today, but in the next couple of weeks you're going to see a few more things that look like this. Over the next year, you're going to see a couple of cases that will settle for record-breaking, earth-shattering fines and creative sentences. We're incredibly proud of this for the reasons that you're mentioning. My hope is that it has not only a specific deterrence effect on the company in question, but also a general deterrence effect. What I want companies to do is think, "Are we going to invest this money and do the right thing or not?" I want them to know that we exist, know that we're watching and know that if they don't do the right thing, we're going to make them wish they had.

● (1710)

The Chair: There we are. We're out of time.

That takes us through the full round of questioning we have. I do have brief in camera committee business we need to tend to before we finish at 5:30.

I would like to conclude this part of the program by thanking all of the departmental officials for being here.

Commissioner, it's always a pleasure. It's great to see you. I understand that your spring reports are going to be on mining effluent, fossil fuel subsidies and aquatic invasive species.

Ms. Julie Gelfand: That's correct.

The Chair: I'm sure we'll see some of you back at the table again in the spring, along with the commissioner and her team, and there will be other opportunities for departmental officials to come visit us, I'm sure.

Thank you so much, everybody, for your time. We'll suspend briefly and clear the room, except for members and immediate staff. Thank you and have a good evening.

[*Proceedings continue in camera*]

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